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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/249,642	02/12/1999	QUAN A. VU	SONY-11300	1161
28960	7590	06/04/2004	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			WILSON, JACQUELINE B	
			ART UNIT	PAPER NUMBER
			2612	32

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/249,642	VU ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Jacqueline Wilson	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 03 May 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1,2,4-8 and 10-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,2,4-8 and 10-32 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's arguments filed 05/03/04 have been fully considered but they are not persuasive. The applicant continues to argue that the prior art, Staats, fails to teach evenly distributing the x number of first data blocks among the y number of second data blocks. Please refer to the arguments in paper numbers 26 and 28. As for the applicants argument indicating that there is no hint, teaching or suggestion to even warrant an obviousness determination and to do so would be impermissibly use hindsight to make a rejection based on obviousness. Hindsight reasoning is inapplicable to this application and only refers to 35 USC § 103. The examiner's rejection is based solely on 35 USC § 102 in which the rejections are maintained below. As for the newly added limitation, Staats teaches calculating a ratio by determining when to insert 266 packets/frame in the data stream of 267 packets/frame. Therefore, the rejection is maintained.

### ***Claim Rejections - 35 U.S.C. § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 2, 4-8, 10-20, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Staats (US 6,373,821).

Regarding Claim 1, Staats'821 teaches transmitting information from a source device at a predetermined rate comprising forming x number of first data blocks wherein each of the first data blocks contains n units of data (267 packets/frame; col. 6, lines 7+), and forming y number of second data blocks wherein each of the second data blocks contains m units of data (266 packets/frame) wherein m is not equal to n.

Staats'821 further teaches that each data stream contains these data packets in which 267 packets/frame of data is transmitted and sometimes 266 are need to be transmitted. This inherently teaches combining x number of first data blocks and y number of second data blocks into a data stream to achieve the predetermined rate, wherein the first data blocks and the second data blocks are of a same type and have the same characteristics (video data). As for the limitation of the x number of first data blocks are evenly distributed among the y number of second data blocks, the examiner believes Staats teaches this concept. In order to produce an IEEE-1394 serial bus standard, Staats teaches that the NTSC compatibility requires the data stream to equal 266.973, as discussed above. In order to achieve this data rate, uniformity in the data stream is inherent in the system of Staats. Staats discloses that after a certain number of x data blocks (267) are present in the data stream, a jump command includes the y data block (266) into the stream. Therefore, to maintain a proper stream, uniformity of the data blocks must be present. Since the data stream is not restricted to a time period, over time the data stream will eventually repeat itself, thereby producing an

evenly distributed x and y data blocks having first and second frames forming a repeating pattern within the data stream. Table 1 explains calculating a ratio of first data blocks to second data blocks to achieve the predetermined rate.

The applicant argues that the prior art fails to teach forming x number of first data blocks each containing n units of data, forming y number of second data blocks each containing m units of data and combining x number of first data blocks and y number of second data blocks into a data stream to achieve the predetermined rate and evenly distributing the x number data blocks among the y number of data blocks. Closely reviewing the Staats reference, the examiner still believes that the prior art teaches the applicants claimed limitations. Staats teaches in Table 1 equations used in determining when to transmit data blocks. Although Staats used 266.5 for example purposes, the examiner uses 266.973 (which is closest to 267) as discussed in column 6, lines 10+. Beginning in cycle 0, the data is given below:

		<u>Cycles begins</u>	<u>Δ</u>
267	$(266.973)(0) + 2 = 2$	0	0
267	$(266.973)(1) + 2 = 268.973$	267	.027
267	$(266.973)(2) + 2 = 535.946$	534	.054
	$(266.973)(10) + 2 = 2671.73$	2670	.27
	.		
	.		
267	$(266.973)(35) + 2 = 9346.055$	9345	.945
267	$(266.973)(36) + 2 = 9613.028$	9612	.972
267	$(266.973)(37) + 2 = 9880.001$	9879	.999
267	$(266.973)(38) + 2 = 10146.974$	10146	1.026
266	$(266.973)(39) + 2 = 10413.947$	10412	.053

267	$(266.973)(75) + 2 = 20024.975$	20024	1.025
266	$(266.973)(76) + 2 = 20297.948$	20290	.052

Staats uses 266.5 for convenience in showing when to include 266 and 267 data packets in the data stream. However, the examiner uses the targeted value 266.973. In this case, after calculating the first two values, the cycle repeats every 37<sup>th</sup> packet. As shown above when x=2, 39, 76, etc, the DCL jump command will include packet 266 and will repeat over time (see col. 8-col. 9). This reads on the limitation of calculating a ratio of first data blocks to second data blocks to achieve the predetermined rate (37:1) and evenly distributing x number of first data blocks among the y number of second data blocks thereby forming a repeating pattern of the first data blocks and second data blocks within the data stream.

Regarding Claim 2, Staats'821 teaches transmitting the data stream from the source device at the predetermined rate (col. 10, lines 57+ teaches the host is programmed to begin transmission of data at a desired cycle).

Regarding Claim 4, Staats'821 teaches digital video data (col. 3, lines 30-33).

Regarding Claim 5, Staats'821 teaches n, m, x, and y are integer values (x and y are each frame, and n and m are 266 and 267).

Claim 6 is analyzed and discussed with respect to Claim 1 (source and receiving devices are the host computer and camera).

Claim 7 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Claim 8 is analyzed and discussed with respect to Claim 2 with the further limitation of the data stream conforming to the standards of an IEEE 1394-1995 network (col. 3, lines 24+).

Claim 10 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Regarding Claim 11, Staats'821 teaches the source and receiving device are coupled together within a network (see fig. 1).

Claim 12 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim 13 is analyzed and discussed with respect to Claim 1. (See rejection of Claim 1 above.)

Claim 14 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Regarding Claim 15, Staats'821 teaches an interface coupled to the controller and configured for connecting to a network (fig. 1, 12).

Claim 16 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim 17 is analyzed and discussed with respect to Claim 1. (See rejection of Claim 1 above.)

Claim 18 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Claim 19 is analyzed and discussed with respect to Claim 6 (see also col. 8, lines 15-16). (See rejection of Claim 6 above.)

Claim 20 is analyzed and discussed with respect to Claims 6 and 19. (See rejection of Claims 6 and 19 above.)

Claim 23 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim 24 is analyzed and discussed with respect to Claims 6 and 11. (See rejection of Claims 6 and 11 above.)

Claim 25 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Regarding Claims 28-31, Staats teaches in order for the data stream to be transferred to a receiving device, it must comply with the IEEE-1394 Serial Bus Standard such that the receiving device may properly receive the data stream (col. 4, lines 57+). Therefore, a determination is made such that appropriate transmission is performed.

### ***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-22, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staats'821.

Regarding Claim 21, Staats'821 does not specifically disclose the predetermined rate is 29.97 frames per second. However, it is notoriously well known in the art to transmit signal conforming to standard television signals (29.97 frames per second). By performing this method allows for images to be seen on a monitor desirably. Therefore, it would have been obvious to one having ordinary skill in the art to have the predetermined rate to be 29.97 frames per second.

Regarding Claim 22, Staats'821 teaches the x packets represent 267 packets and the y packets represent 266 packets as discussed in Claim 1, but fails to specifically disclose the plurality of second frames are 9336 frames and the plurality of second frames are 664 frames. However, this is an obvious matter of design choice by the manufacturer at the time of production to manufacture such values with respect to the transmission scheme, for it does not change the scope of the invention.

Claims 26 and 27 are analyzed and discussed with respect to Claims 1 and 8. Although Staats'821 teaches 267 packets and 266 packets as discussed in Claim 1, Staats'821 fails to specifically disclose the first frames are 9336 frames and second frames are 664 frames. However, this is an obvious matter of design choice by the manufacturer at the time of production to manufacture such values with respect to the transmission scheme, for it does not change the scope of the invention.

Furthermore, Staats'821 does not specifically disclose the predetermined frame rate is 29.97 frames per second. However, it is notoriously well known in the art to transmit signal conforming to standard television signals (29.97 frames per second). By performing this method allows for images to be seen on a monitor desirably. Therefore, it would have been obvious to one having ordinary skill in the art to have the predetermined rate to be 29.97 frames per second.

Claim 32 is analyzed and discussed with respect to Claim 28. (See rejection of Claim 28 above.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Wilson whose telephone number is (703) 308-5080. The examiner can normally be reached on 8:30am-5:00pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/249,642  
Art Unit: 2612

Page 10

JBW

05/28/04

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